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Attorneys for Plaintiffs
Kos Media and Markos Moulitsas Zúniga



UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

KOS MEDIA, LLC and
MARKOS MÓULITSAS ZÚNIGA,

PLAINTIFFS,

VS.

RESEARCH 2000 AND DELAIR D. ALI

DEFENDANTS.

} Case No.: 3:10-CV-02894 MEJ-

} [Assigned for all purposes to Hon.

} Maria-Elena James, Courtroom B]

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**STATUS REPORT AND
REQUEST FOR CONTINUANCE
OF RESPONSE DATE FOR
FILING MOTION FOR
DEFAULT JUDGMENT**

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} Complaint filed: June 30, 2010.

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1 Plaintiffs Kos Media, LLC and MARKOS MOULITSAS ZÚNIGA (Plaintiffs),
2 respectfully submit this Status Report and request an additional 28 days to file their
3 Motion for Default Judgment.

4 **BACKGROUND**

5 1) **The Parties**

6 Plaintiff Kos Media LLC (“Kos Media”) is based in Berkeley California. It
7 owns and operates the DailyKos (<http://www.dailykos.com>), the largest progressive
8 community blog in the United States. Markos Moulitsas Zúñiga is the founder,
9 publisher, and sole owner of Kos Media. Defendant Research 2000 is a polling firm
10 based in Olney, Maryland. Delair D. Ali (“Ali”) is the owner and CEO of Research
11 2000.

12 2) **The Complaint**

13 As part of its role as a news organization, Kos Media commissioned a number
14 of polls from Research 2000, beginning in September 2007. Kos Media and Research
15 2000, through Moulitsas and Ali, entered into a series of agreements through which
16 Kos Media would pay Research 2000 for political polling performed based on certain
17 professional standards, including requirements for the number of individuals surveyed
18 for each poll. Defendants breached their agreement with Kos Media by failing to
19 perform the polls which they were contracted to provide, instead falsifying the data
20 provided to the Kos Media.

21 The Complaint sets forth the following causes of action: 1) Breach of Contract;
22 2) Unfair Business Practices under Cal. Bus. & Prof. Code §§ 17200 et seq.; 3) Breach
23 of Implied Warranty; 4) Intentional Misrepresentation; 5) Negligent
24 Misrepresentation; 6) Constructive Fraud; and 7) Conversion.

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1 3) Procedural History

2 The Court entered default as to Defendant Research 2000 on May 19, 2011
3 pursuant to Civil Local Rule 3-9(b). [Doc. No. 25.] On December 02, 2011, the
4 Court vacated its Case Management Conference and ordered Plaintiffs to file a Motion
5 for default Judgment within 30 days after default was entered as to Defendant Delair
6 D. Ali. [Doc. No. 36.] The clerk entered default as to Delair D. Ali on December 06,
7 2011.

8 STATUS

9 On or about December 29, 2011, lead counsel for Plaintiffs Adam C. Bonin left
10 the law firm of Cozen O'Connor to enter into his own practice, the Law Office of
11 Adam C. Bonin. Local counsel for Plaintiffs remains Nathan Dooley of the law firm
12 Cozen O'Connor. Due to the time taken to set up the Law Office of Adam C. Bonin,
13 and the intervening holidays, Plaintiffs have not had the opportunity to file a Motion
14 for Default Judgment. Accordingly, Plaintiffs hereby request an additional 28 days to
15 file a Motion for Default Judgment.

16 REQUEST

17 Plaintiffs hereby request that they be given an until February 22, 2012 to file
18 their Motion for Default Judgment.

19 Date: January 25, 2012

20 COZEN O'CONNOR

22 By: -/S/-
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